

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CECIL KOGER,

Plaintiff,

v.

DIRECTOR GARY MOHR, et al.,

Defendants.

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Case No. 4:17-CV-02409

Judge Benita Y. Pearson

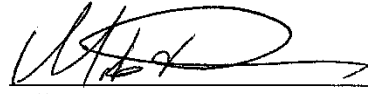
DECLARATION OF MIKE DAVIS

I, Mike Davis, pursuant to 28 U.S.C. § 1746, make this unsworn declaration under penalty of perjury and declare that the statements below are true:

1. I have personal knowledge of the facts in this Declaration. I am competent to testify about these facts.
2. I am presently employed by the Ohio Department of Rehabilitation and Correction ("ODRC") in various capacities, including Religious Services Administrator.
3. My job duties as Religious Services Administrator include the oversight of religious services for ODRC.
4. The prison must maintain some aspect of control in accommodating prisoners' religious requests in order to protect the security of the institution and avoid unnecessary expenses incurred for those who would assert false religious claims to gain special privileges or to disrupt prison life.
5. The State's resources are finite, and prisoner demands for specialized diets and food preparation are not. If prison administrators were required to blindly accept every request made by a prisoner espousing some religious reason without requiring some minimal showing of a sincerely held religious belief, their ability to run their prisons effectively would be compromised.
6. Since the opportunity for inmates to participate in religious practices is subject to the prison's security, safety, health, discipline, rehabilitation, order, limited resources and budgetary concerns, an inmate must submit a completed DRC4326 before being considered for religious accommodation.

7. The only DRC4326s submitted by Mr. Koger requesting religious accommodation since July 8, 2013 are as follows: July 8, 2013 (request to change religious affiliation from Rasta to Muslim); October 28, 2016 (request for religious accommodation to grow hair naturally allowing hair to take its natural course in locks); April 11, 2018 (request to change religious affiliation from Nyahbingi to Islam); and August 27, 2018 (request for religious accommodation to let his locks grow naturally, to have "Ital," to keep "Tam," to have grounding and observance of holidays and fast days, and to get/receive literature). True and accurate copies of each of these requests, and the responses thereto, are hereto attached
8. However, Mr. Koger's request for accommodation to observe "fast days" provided no information detailing the religious basis for his request or the number of fast days he was seeking to observe, much less who would be in attendance, what foods were permitted and precluded for each of the fast days, where each fast day would be observed, when each fast day would occur, how long each of the fast days would last, or any other requirements.
9. Nor did Mr. Koger's request for accommodation to have grounding provide any information detailing the religious basis for his request, much less who would be in attendance, what accoutrements, if any, would be needed, where the grounding would be held, when the grounding(s) would occur, or how many were being requested.
10. Nonetheless, Mr. Koger was not denied the ability to fast. Instead, he was provided a reasonable meal accommodation.

4-17-19
Date


Mike Davis
Religious Services Administrator

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JUL 25 2013

Ohio Department of Rehabilitation and Correction Religious Services
Request To Change Religious Affiliation

To: Chaplain's Office**From:**

Inmate Name: <u>Cecil Kuper</u>	Number: <u># 3841018</u>
Institution:	Date: <u>7-8-13</u>

Present Religious Affiliation: <u>Uddim</u> Uddim
The Religious Affiliation To Which You Desire To Change To: <u>Uddim</u>
Reason For Requesting This Change: <u>Remission</u>

Inmate's Signature: <u>Cecil Kuper</u>	Date: <u>7-8-13</u>
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Chaplain ☒ Approved ☐ Disapproved

Chaplain's Signature: <u>Chaplain</u>	Date: <u>7-8-2013</u>
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Inmate must wait 12 months before application to change affiliation again

Ohio

**Department of
Rehabilitation & Correction**

John R. Kasich, Governor
Gary C. Mohr, Director

**Decision of the Religious Services Administrator
Request for Accommodation
Of Religious Practice**

Cecil Kroger #384-698
Trumbull Correctional Institution
P.O. Box 901
Leavittsburg, OH 44030

RELIGIOUS AFFILIATION: Rastafarian

You have requested accommodation of the following practice based upon the reason indicated:

Request to have hair exemption for religious reasons.

Your request states a:

Religious Issue
X Non-Religious Issue

It is the decision of the Religious Services Administrator that the request for Accommodation of Religious Practice should be:

Approved
X Not Approved

Reason:

Your request, *Cecil Kroger #384-698*, for hair exemption is disapproved. This is not a religious issue. It is subject to DRC 65-GRM-01.

Signature: Michael Davis Date: November 30, 2016

Michael Davis, Ph. D.
Religious Services Administrator

Tracking Process

- ☐ Chaplains reviews request and makes recommendation
 - ☐ Request is reviewed by Chaplain, DWSS, and DWO/Designee.
 - ☐ Accommodation is forwarded to Warden for Warden's response.
 - ☐ Warden's decision is forward back to inmate and Chaplain's office is copied.
 - ☐ Inmate receives decision and may appeal if desired.
 - ☐ Warden forwards appeal to OOP for Religious Services Administrator decision.
 - ☐ Religious Services Administrator reviews in consultation with Legal, Chief Inspector, and STG as needed.
 - ☐ The final decision is made by the Religious Services Administrator (copy of final decision is filed).
 - ☐ The decision is returned to the Institutional Chaplain, the DWSS, and Warden is copied and inmate is notified
- C: Warden, Chaplain, Inmate's On Base File and Inmate

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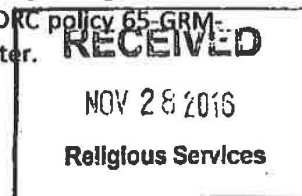
Ohio Department of Rehabilitation and Correction
Institution Religious Accommodation Review Committee

Response To Request For Religious Accommodation

Offender Name: KOGER, CECIL	Number: 384698
Current Religious Affiliation: Rastafarian	RE: DRC4326 Dated: 10/28/2016

Chaplain Recommendation:

Offender **KOGER, CECIL**, offender number **384698** is listed in DOTS as a Rastafarian since 08/04/2005. His request is to grow his hair. The official statement issued by the Religious Service Administrator: "The growing of hair is not a granted religious accommodation. This issue is addressed by DRC policy 65-GRM-01 and AR 5120-9-25-1". Referring to RSA at Operations Support Center.



Chaplain's Signature: <i>[Signature]</i>	Date: 11/03/2016
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Accommodation Review Committee Response:

Do not recommend accommodation based on policy 65-GRM-01.

Committee Chairperson Signature: <i>DUSI Tani</i>	Date: 11-7-16
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Warden's Decision: ☐ Approved ☐ Disapproved ☒ Refer to Reg. Religious Services Admin.

Comment

Violation of policy 65-GRM-01 with AR 5120-9-25-1

Religious accommodation is not granted for hair growing. Policy 65-GRM-01 issued addressed by [Signature]

Signature: <i>Chammi Bray</i>	Date: 11-05-16 <i>11/20/16</i>
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Ohio Department of Rehabilitation and Correction

Request For Religious Accommodation

To: Chaplain's Office

From:

Offender Name: Cecil Koger	Number: 384 - 008
Institution: T.C.I.	Date: 10-28-16

1. What is the religion to which you belong?

Rastafari = the order of Nyabingi

2. What is the specific accommodation that you are requesting?

Exemption From Grooming Policy
 To grow hair naturally allowing hair to take its natural
 course in locks.

3. What is the basis for your requested religious accommodation (How is your request supported by the writings or traditions of your religion)?

Rastafari - Lividity Re Written by
 Ras Ambessa Ebanks. The Kebra Negast all mansions
 of Rastafari grow their hair naturally for locks to form
 it is mandate for the True Rasta. Its found in the
 Bible as well as the other books mentioned above.

4. Who are the religious leaders who can verify this request (Please give address and phone numbers, if available)?

Rastafari Elders, Ras Iddon's From Lion of Judah
 Society church of the Nazarene.
 Ras Jacob Marley Ras. Sully "Bobby Sullivan" Rastafari Universal Order
 Prison Ministries "R.U.O."
 The Church of Haili Selassie I 29 Oxford St 470 "A" Gates Avenue
 Ba Beta Kristyan P.O. Box 534 Brooklyn, NY 11216
 Kingston Jamaica

Offender's Signature: Cecil Koger	Date: 10-28-16
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This form is for approval of religious practices or beliefs not currently approved by the ODRC.

Ohio | Department of
Rehabilitation & Correction

John R. Kasich, Governor
Gary C. Mohr, Director

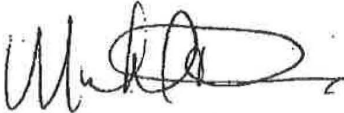
November 30, 2016.

Cecil Kroger #384-698
Trumbull Correctional Institution
P.O. Box 901
Leavittsburg, OH 44030

Dear Mr. Kroger,

In response to your Offender's Appeal of Decision Regarding Religious Accommodation, the documentation submitted does not include the DRC 4327 Response to Request for Religious Accommodation. Therefore, I am returning your DRC form 4326 Request for Religious Accommodation for complete processing through the institution Chaplain.

Sincerely,



Dr. Michael Davis
Religious Services Administrator

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MAY 07 2018

Ohio Department of Rehabilitation and Correction

Request To Change Religious Affiliation
Religious Services

To: Chaplain's Office

From: CECIL KOGER

Inmate Name: CECIL KOGER	Number: 384-698
Institution: LAE. C.I.	Date: 4-11-18

Present Religious Affiliation: Nyambingi

The Religious Affiliation To Which You Desire To Change To:

Islam

Reason For Requesting This Change:

RAMADAN: I HAVE BEEN PARTICIPATING
FOR THE LAST SIXTEEN YEARS

Inmate's Signature: [Signature]	Date: 4-11-18
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Chaplain ☒ Approved ☐ Disapproved

Chaplain's Signature: [Signature]	Date: 04/13/18
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Ohio | Department of Rehabilitation & Correction

John R. Kasich, Governor
Gary C. Mohr, Director

Decision of the Religious Services Administrator Request for Accommodation Of Religious Practice

Cecil Kroger #389-698
Richland Correctional Institution
P.O. Box 8107
Mansfield, OH 44901

RELIGIOUS AFFILIATION: Rastafarian

You have requested accommodation of the following practice based upon the reason indicated:

Request to have religious literature for religious reasons.

Your request states a:

- ☒ Religious Issue
☐ Non-Religious Issue

It is the decision of the Religious Services Administrator that the request for Accommodation of Religious Practice should be:

- ☒ Approved
☐ Not Approved

Reason:

Your request, Cecil Kroger #389-698, to have religious literature is approved.

Signature:  Date: July 23, 2018

Michael Davis, PhD
Religious Services Administrator

Tracking Process

- ☐ Chaplains reviews request and makes recommendation
 - ☐ Request is reviewed by Chaplain, DWSS, and DWO/Designee.
 - ☐ Accommodation is forwarded to Warden for Warden's response.
 - ☐ Warden's decision is forward back to inmate and Chaplain's office is copied.
 - ☐ Inmate receives decision and may appeal if desired.
 - ☐ Warden forwards appeal to OOP for Religious Services Administrator decision.
 - ☐ Religious Services Administrator reviews in consultation with Legal, Chief Inspector, STG as needed.
 - ☐ The final decision is made by the Religious Services Administrator (copy of final decision is filed).
 - ☐ The decision is returned to the Institutional Chaplain, the DWSS, and Warden is copied and inmate is notified
- C: Warden, Chaplain, Inmate's On Base File and Inmate

Ohio | Department of Rehabilitation & Correction

John R. Kasich, Governor
Gary C. Mohr, Director

Decision of the Religious Services Administrator Request for Accommodation Of Religious Practice

Cecil Kroger #389-698
Richland Correctional Institution
P.O. Box 8107
Mansfield, OH 44901

RELIGIOUS AFFILIATION: Rastafarian

You have requested accommodation of the following practice based upon the reason indicated:

Request to have religious head covering for religious reasons.

Your request states a:

☒ Religious Issue
☐ Non-Religious Issue

It is the decision of the Religious Services Administrator that the request for Accommodation of Religious Practice should be:

☒ Approved
☐ Not Approved

Reason:

Your request, Cecil Kroger #389-698, to have religious head covering is approved. Must meet local security requirements and be white or beige in color.

Signature:  Date: July 23, 2018

Michael Davis, PhD
Religious Services Administrator

Tracking Process

- ☐ Chaplains reviews request and makes recommendation
 - ☐ Request is reviewed by Chaplain, DWSS, and DWO/Designee.
 - ☐ Accommodation is forwarded to Warden for Warden's response.
 - ☐ Warden's decision is forward back to inmate and Chaplain's office is copied.
 - ☐ Inmate receives decision and may appeal if desired.
 - ☐ Warden forwards appeal to OOP for Religious Services Administrator decision.
 - ☐ Religious Services Administrator reviews in consultation with Legal, Chief Inspector, STG as needed.
 - ☐ The final decision is made by the Religious Services Administrator (copy of final decision is filed).
 - ☐ The decision is returned to the Institutional Chaplain, the DWSS, and Warden is copied and inmate is notified
- C: Warden, Chaplain, Inmate's On Base File and Inmate

Ohio | Department of Rehabilitation & Correction

John R. Kasich, Governor
Gary C. Mohr, Director

Decision of the Religious Services Administrator Request for Accommodation Of Religious Practice

Cecil Kroger #389-698
Richland Correctional Institution
P.O. Box 8107
Mansfield, OH 44901

RELIGIOUS AFFILIATION: Rastafarian

You have requested accommodation of the following practice based upon the reason indicated:

Request to grow dreadlocks for religious reasons.

Your request states a:

Religious Issue
X Non-Religious Issue

It is the decision of the Religious Services Administrator that the request for Accommodation of Religious Practice should be:

Approved
Not Approved

Reason:

Your request, Cecil Kroger #389-698, to grow dreadlocks. DRC does not grant religious-accommodation for hair growth. This issue is addressed by AR-25-9 and DRC 65-GRM-01.

Signature:  Date: July 23, 2018

Michael Davis, PhD
Religious Services Administrator

Tracking Process

- ☐ Chaplains reviews request and makes recommendation
 - ☐ Request is reviewed by Chaplain, DWSS, and DWO/Designee.
 - ☐ Accommodation is forwarded to Warden for Warden's response.
 - ☐ Warden's decision is forward back to inmate and Chaplain's office is copied.
 - ☐ Inmate receives decision and may appeal if desired.
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- C: Warden, Chaplain, Inmate's On Base File and Inmate

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Ohio Department of Rehabilitation and Correction
Institution Religious Accommodation Review Committee

JUN 18 2018

Response To Request For Religious Accommodation
Religious Services

Offender Name: Cecil Koger	Number: A-388698
Current Religious Affiliation: Rastafarian	RE: DRC4326 Dated: 05/27/2018

Chaplain Recommendation:

Inmate Koger has requested the following: 1) to grow his hair in locks, 2) to receive organic veggie and/or vegetarian meals (lital meals), 3) to have and wear religious head covering (tam), 4) to order Rastafarian literature and 5) to observe Rastafarian holidays and fast days. I recommend, Inmate Koger requests be referred to Chief Michael Davis, Religious Services Administrator.

Chaplain's Signature:

Date: 05/31/2018

Accommodation Review Committee Response:*concur with recommendation*

Committee Chairperson Signature:

Date:

Warden's Decision:

☐ Approved☐ Disapproved☒ Refer to Reg. Religious Services Admin.

Comment

*Refer to Religious Services Admin.**(2) DRC provides a reasonable meal accommodation.**(1) DRC does not grant religious accommodations for hair growth. The issue is addressed by AR 5120-25-9 and DRC 656 RMO*

Signature:

Date:

Ohio Department of Rehabilitation and Correction


Request For Religious Accommodation

To: Chaplain's Office

From: Cecil Kogger

Offender Name: Cecil Kogger	Number: 384-628
Institution: R. C. I	Date: 6-27-18

1. What is the religion to which you belong? Nyambingi Rastafari
2. What is the specific accommodation that you are requesting?
 To let my locks grow naturally
 To have "Ital"
 To keep "Tamm"
 To have grounding and observance of holidays and Fast Days
 To get receive literature
3. What is the basis for your requested religious accommodation (How is your request supported by the writings or traditions of your religion)? These are mandates for this Rastafari; It can be found in Rastafari living, Bible, Kebra Negest Fatha Negest as well as other older texts
4. Who are the religious leaders who can verify this request (Please give address and phone numbers, if available)? Ras Tadeis of Lion of Judah Society
 Ras Christopher Lion Trees of Rastafari Universal Order
 Ras Sully and Ras J Morley W.W. R.V.O.

Offender's Signature: 	384-628	Date: 6-27-18
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